UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION

In re JOSEPH M. DISTASIO, Debtor.	Chapter 7 Case No. 10-10040-JNF
MARK P. BOGAN, Plaintiff, v. JOSEPH M. DISTASIO, Defendant.	Adversary No. 11-01038

ANSWER

Defendant Joseph M. Distasio hereby answers the Complaint of Mark P. Bogan as follows:

PARTIES

1. Distasio denies the allegations set forth in Paragraph 1 of the Complaint, except that he admits that Bogan lives in Marshfield.

2. Distasio admits the allegations set forth in Paragraph 2 of the Complaint.

JURISDICTION

3. Distasio admits the allegations set forth in Paragraph 3 of the Complaint.

4. Distasio denies the allegations set forth in Paragraph 4 of the Complaint.

BACKGROUND

5. Distasio denies the allegations set forth in Paragraphs 5 of the Complaint, excep that he admits that in the summer of 1996 he and Bogan started a tree cutting and landscaping business as equal partners.

6. Distasio denies the allegations set forth in Paragraph 6 of the Complaint.

7. Distasio denies the allegations set forth in Paragraph 7 of the Complaint.

8. Distasio denies the allegations set forth in Paragraph 8 of the Complaint.

9. Distasio denies the allegations set forth in Paragraph 9 of the Complaint.

10. Distasio denies the allegations set forth in Paragraph 10 of the Complaint.

11. Distasio admits that Bogan commenced the State Court Action, but denies the remaining allegations set forth in Paragraph 11 of the Complaint.

12. Distasio denies the allegations set forth in Paragraph 12 of the Complaint.

13. Distasio admits the allegations set forth in Paragraph 13 of the Complaint.

14. Distasio denies the allegations set forth in Paragraph 14 of the Complaint, except that he admits that Bogan filed the Motions.

15. Distasio denies the allegations set forth in Paragraph 15 of the Complaint.

16. Distasio denies the allegations set forth in Paragraph 16 of the Complaint, except that he admits that he testified at his 341 meeting, and that his testimony speaks for itself.

17. Distasio denies the allegations set forth in Paragraph 17 of the Complaint, except that he admits that Bogan made inquiry about the containers.

18. Distasio denies the allegations set forth in Paragraph 18 of the Complaint.

19. Distasio denies the allegations set forth in Paragraph 19 of the Complaint.

20. Distasio denies the allegations set forth in Paragraph 20 of the Complaint.

21. Distasio denies the allegations set forth in Paragraph 21 of the Complaint, except that Distasio admits that he cut off the locks, in the presence of a police officer.

22. Distasio admits the allegations set forth in Paragraph 22 of the Complaint.

23. Distasio denies the allegations set forth in Paragraph 23 of the Complaint. Further answering, Distasio states that his wife personally purchased certain assets at the auction, and that at a personal friend purchased assets at the auction, some for use by Green Tech.

24. Distasio denies the allegations set forth in Paragraph 24 of the Complaint. Further answering, Distasio states that his wife personally purchased certain assets at the auction, and that at a personal friend purchased assets at the auction, some for use by Green Tech, including the listed assets.

25. Distasio denies the allegations set forth in Paragraph 25 of the Complaint.

26. Distasio denies the allegations set forth in Paragraph 26 of the Complaint.

27. Distasio denies the allegations set forth in Paragraph 27 of the Complaint.

28. Distasio denies the allegations set forth in Paragraph 28 of the Complaint.

29. Distasio denies the allegations set forth in Paragraph 29 of the Complaint.

30. Distasio admits the allegations set forth in Paragraph 30 of the Complaint.

31. Distasio admits the allegations set forth in Paragraph 31 of the Complaint.

32. In response to the allegations set forth in Paragraph 32 of the Complaint, Distasio states that he produced all responsive documents in his possession, custody or control. Distasio denies the remaining allegations set forth in Paragraph 32 of the Complaint

33. Distasio is without sufficient information to respond to the allegations set forth in Paragraph 33 of the Complaint, except that Distasio states that he listed the only accounts of which he is aware.

34. Distasio admits the allegations set forth in Paragraph 34 of the Complaint.

COUNT I

35. Distasio repeats his responses to the allegations set forth in Paragraphs 1 through 34 as if fully set forth herein.

36. Distasio denies the allegations set forth in Paragraph 36 of the Complaint.

37. Distasio denies the allegations set forth in Paragraph 37 of the Complaint.

38. Distasio denies the allegations set forth in Paragraph 38 of the Complaint.

39. Distasio denies the allegations set forth in Paragraph 39 of the Complaint.

40. Distasio denies the allegations set forth in Paragraph 40 of the Complaint.

COUNT II

41. Distasio repeats his responses to the allegations set forth in Paragraphs 1 through 40 as if fully set forth herein.

42. Distasio admits that he was an officer, shareholder and co-owner of the Company at certain times relevant hereto, and states that the remaining allegations set forth in Paragraph 42 of the Complaint call or a legal conclusion to which no response is required.

43. Distasio denies the allegations set forth in Paragraph 43 of the Complaint.

44. Distasio denies the allegations set forth in Paragraph 44 of the Complaint.

45. Distasio denies the allegations set forth in Paragraph 45 of the Complaint.

46. Distasio denies the allegations set forth in Paragraph 46 of the Complaint.

47. Distasio denies the allegations set forth in Paragraph 47 of the Complaint.

48. Distasio denies the allegations set forth in Paragraph 48 of the Complaint.

COUNT III

49. Distasio repeats his responses to the allegations set forth in Paragraphs 1 through 48 as if fully set forth herein.

50. Distasio admits the allegations set forth in Paragraph 50 of the Complaint.

51. Distasio denies the allegations set forth in Paragraph 51 of the Complaint.

52. Distasio denies the allegations set forth in Paragraph 52 of the Complaint.

53. Distasio denies the allegations set forth in Paragraph 53 of the Complaint.

COUNT IV

54. Distasio repeats his responses to the allegations set forth in Paragraphs 1 through 53 as if fully set forth herein..

55. Distasio denies the allegations set forth in Paragraph 55 of the Complaint.

56. Distasio denies the allegations set forth in Paragraph 56 of the Complaint.

57. Distasio denies the allegations set forth in Paragraph 57 of the Complaint.

58. Distasio denies the allegations set forth in Paragraph 58 of the Complaint.

COUNT V

59. Distasio repeats his responses to the allegations set forth in Paragraphs 1 through 58 as if fully set forth herein.

60. Distasio denies the allegations set forth in Paragraph 60 of the Complaint.

61. Distasio denies the allegations set forth in Paragraph 61 of the Complaint.

62. Distasio denies the allegations set forth in Paragraph 62 of the Complaint.

63. Distasio denies the allegations set forth in Paragraph 63 of the Complaint.

64. Distasio denies the allegations set forth in Paragraph 64 of the Complaint.

65. Distasio denies the allegations set forth in Paragraph 65 of the Complaint.

COUNT VI

66. Distasio repeats his responses to the allegations set forth in Paragraphs 1 through 65 as if fully set forth herein.

67. Distasio denies the allegations set forth in Paragraph 67 of the Complaint.

68. Distasio denies the allegations set forth in Paragraph 68 of the Complaint.

AFFIRMATIVE DEFENSES

First Affirmative Defense

On some or all of the counts in the Complaint, Bogan fails to state a claim on which relief may be granted.

Second Affirmative Defense

Bogan lacks standing to assert some or all of the Counts against Distasio.

Third Affirmative Defense

Certain of the allegations in the Complaint are intentional misstatements and falsehoods that give rise to a claim for sanctions.

Dated this 10th day of March, 2011.

JOSEPH M. DISTASIO

By his attorneys,

/s/ David B. Madoff

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 10, 2011, he caused a copy of the foregoing to be served by ECF upon counsel to the Plaintiff.

/s/ David B. Madoff

David B. Madoff (BBO#552968)